IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1994 of 2007

JAWAHAR SINGH & ORS
V/S
STATE & ANR.

Mr. OP MEHTA, for the appellant / petitioner

Date of Order : 18.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioners.

Perused the impugned order of the two courts below.

Learned counsel tried to rely upon Annex.9, the report of inspection by Patwari but then from the perusal of Annex.9 it does not appear to be a document on record, therefore, this document cannot be looked into here in the writ petition. Then, so far as merit is concerned, the petitioner has only filed the copy of the plaint and temporary injunction and has not filed the copies of the reply submitted by the other side which could show as to what was the case projected by other side. In that background, the learned lower appellate Court has found that a tower has been erected on a Pattasud land of Chattar Singh, which land is in his possession for last 20 to 30 years.

In these circumstances, I do not find any error in the impugned orders, the writ petition is, therefore, dismissed. It is however, made clear that the findings recorded in the impugned orders by the trial Court as well as appellate Court shall not effect the ultimate decision of the case on merits.

(N P GUPTA),J.

/jpa